



WINSTON & STRAWN LLP  
 Michael S. Elkin (admitted *pro hac vice*)  
 Thomas P. Lane (admitted *pro hac vice*)  
 200 Park Avenue  
 New York, New York 10166  
 tlane@winston.com  
 (212) 294-6700 (Telephone)  
 (212) 294-4700 (Facsimile)

Attorneys for Defendants/Counterclaimants

GIBSON DUNN & CRUTCHER  
 Jeffrey Reeves (SBN 156648)  
 Joshua Jessen (SBN 222831)  
 3161 Michelson Drive  
 Irvine, California 92616  
 (949) 451-3800 (Telephone)  
 (949) 451-4220 (Facsimile)

Attorneys for Plaintiffs/Counterclaim Defendants

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION**

GRATEFUL DEAD PRODUCTIONS, a  
 California corporation, CADESTANSA LLC, a  
 limited liability company on behalf of CARLOS  
 SANTANA, an individual, JIMMY PAGE, an  
 individual, ROBERT PLANT, an individual,  
 JOHN PAUL JONES, an individual,  
 RAYMOND MANZAREK, an individual,  
 ROBBY KRIEGER, an individual, JOHN  
 DENSMORE, an individual, PEARL  
 COURSON, an individual, and GEORGE  
 MORRISON, an individual, FANTALITY  
 CORP., a Colorado corporation, SONY BMG  
 MUSIC ENTERTAINMENT, a Delaware  
 general partnership, BMG MUSIC, a New York  
 partnership, and ARISTA RECORDS, a  
 Delaware LLC,

Plaintiffs,

vs.

WILLIAM E. SAGAN, an individual,  
 NORTON LLC, a limited liability company,  
 and BILL GRAHAM ARCHIVES LLC, d/b/a  
 WOLFGANG'S VAULT, a limited liability  
 company,

Defendants,

NORTON LLC, a limited liability company,  
 BILL GRAHAM ARCHIVES LLC, d/b/a  
 WOLFGANG'S VAULT, a limited liability  
 company, and WILLIAM E. SAGAN, an  
 individual,

**Case No. 06-07727 (JW PVT)**

**STIPULATION OF DISMISSAL OF  
 COUNTERCLAIM DEFENDANT  
 FANTALITY CORP. AS TO CERTAIN  
 COUNTERCLAIMS**

Date: None

Time: None

Ctrm: 8

Judge: Honorable James Ware

First Amended Complaint Filed:  
 February 5, 2007

Defendants,

GRATEFUL DEAD PRODUCTIONS, a California corporation, CADESTANSA LLC, a limited liability company on behalf of CARLOS SANTANA, an individual, JIMMY PAGE, an individual, ROBERT PLANT, an individual, JOHN PAUL JONES, an individual, RAYMOND MANZAREK, an individual, ROBBY KRIEGER, an individual, JOHN DENSMORE, an individual, PEARL COURSON, an individual, GEORGE MORRISON, an individual, FANTALITY CORP., a Colorado corporation, SONY BMG MUSIC ENTERTAINMENT, a Delaware general partnership, BMG MUSIC, a New York partnership, and ARISTA RECORDS, a Delaware LLC, ROBERT WEIR, an individual, WARNER MUSIC GROUP CORP., a Delaware corporation, RHINO ENTERTAINMENT, its subsidiary, and BRAVADO INTERNATIONAL GROUP, INC., a California corporation,

Counterclaim Defendants.

WHEREAS, plaintiff and counterclaim defendant Fantality Corp. ("Plaintiff" or "Counterclaim Defendant") and defendants and counterclaimants Norton LLC, Bill Graham Archives, LLC d/b/a Wolfgang's Vault, and William E. Sagan (collectively "Defendants" or "Counterclaimants"), have entered into a confidential settlement agreement to resolve Counterclaimants' Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, and Eleventh Counterclaims as against Counterclaim Defendant, and Counterclaimants' First Counterclaim as against Counterclaim Defendant, solely to the extent that the First Counterclaim relates to subjects other than the parties' rights and obligations regarding sound recordings asserted in Defendants' Answer to Second Amended Complaint and First Amended Counterclaims, on the terms and conditions set forth in their agreement:

NOW THEREFORE, IT IS HEREBY STIPULATED, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, by and among the parties hereto, through their respective counsel, that Counterclaimants' Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, and Eleventh Counterclaims shall be dismissed in their entirety with prejudice as against Counterclaim Defendant, and Counterclaimants' First Counterclaim shall be dismissed with prejudice as against

1 Counterclaim Defendant solely to the extent that the First Counterclaim relates to subjects other than  
2 the parties' rights and obligations regarding sound recordings asserted in Defendants' Answer to  
3 Second Amended Complaint and First Amended Counterclaims, each party to bear its own costs and  
4 expenses, including attorneys' fees, as to the dismissed Counterclaims.

5  
6 Dated: October 20, 2008

WINSTON & STRAWN LLP

7  
8  
9 By: Michael S. Elkin  
10 Michael S. Elkin  
11 Thomas P. Lane  
12 Rebecca Lawlor Calkins  
13 Erin Ranahan  
14 Attorneys for Defendants/Counterclaimants

15  
16 Dated: October 20, 2008

GIBSON DUNN & CRUTCHER LLP

17 By: S. Ashlie Beringer /sr  
18 Jeffrey Reeves  
19 Cynthia Arato  
20 S. Ashlie Beringer  
21 Joshua Jessen  
22 Attorneys for Plaintiff/Counterclaim Defendant  
23  
24  
25  
26  
27  
28

Winston & Strawn LLP  
333 South Grand Avenue  
Los Angeles, CA 90071-1543